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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Tokelau

Working paper prepared by the Secretariat

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I. General

1. Tokelau,[1] a Non-Self-Governing Territory administered by New Zealand, consists of three small atolls in the South Pacific (Fakaofo, Nukunonu and Atafu), with a total area of approximately 12.2 square kilometres. Fakaofo is the southernmost atoll; Nukunonu is nearly 50 kilometres away and Atafu nearly 100 kilometres from Nukunonu. Each atoll comprises strips of land no more than 200 metres wide and never more than 5 metres above sea level. Samoa, 480 kilometres to the south, is the nearest sizeable neighbour.

2. Tokelauans are Polynesians with linguistic, family and cultural links with Samoa. The last five-yearly census, conducted on 11 October 2001, recorded a population of 1,518, a slight increase over the 1996 figure of 1,507 people. This figure includes all those present on census night plus those who usually reside in Tokelau but were overseas temporarily in government employment or for educational and medical reasons — a frequent occurrence in this Territory. By atoll, the population was recorded as follows: Atafu, 608; Fakaofo, 501; Nukunonu, 409. The constraints of atoll life and limited opportunities have led some 6,000 Tokelauans to settle abroad, mainly in New Zealand and Samoa.

3. There has never been a New Zealand representative resident in the Territory. The New Zealand official who deals with Tokelau is the Administrator, appointed by the Minister for Foreign Affairs and Trade. In February 2002, Lindsay Watt, the Administrator, was reappointed for a further year at the request of the Tokelau authorities. In March 2003, Mr. Watt retired and a new Administrator, Neil Walter, was appointed. In the past, there was also a Public Services Commissioner for Tokelau, a delegate of the State Services Commissioner. The last Public Services Commissioner, Aleki Silao, a New Zealand-based Tokelauan, remained in his post until 30 June 2001, when responsibility for public services was transferred to the Territory (see para. 23).

4. In August 2002, a Mission of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples visited Tokelau and New Zealand at the invitation of the Government of New Zealand and the people of Tokelau. This was the first mission of this kind since 1994. The report of the Mission (A/AC.109/2002/31), which includes information on the Territory's current situation, an account of meetings, and conclusions and recommendations, was issued in September 2002.

II. Constitutional and political developments

5. As reported in previous working papers on the question of Tokelau (see A/AC.109/2001/5 and A/AC.109/2002/6), the current process of constitutional development stems from the 1998 decision by the General Fono (the national representative body) to endorse a comprehensive report entitled "Modern House of Tokelau", which addressed the core issue for Tokelau in creating a constitutional framework: how to construct a self-governing nation based on the atoll or village structure. There is, as yet, no written constitution. Initial studies were done in the mid-1990s and a first glimpse of a constitution was published in 1996-1997 in Tokelauan and English. The constitution will be developed further as new governance structures for village and nation are decided on. It is expected to draw

upon unwritten customary practice, the written rules of the General Fono and elements of New Zealand law. According to the administering Power, constitutional matters were discussed in Tokelau during the November 2002 General Fono session. Constitutional development is also being discussed in the context of the relationship framework meetings between New Zealand and Tokelau that were initiated in Wellington in December 2002 (see paras. 13 to 16).

6. Regarding the legislative structure, in accordance with recommendations made in the 1998 Modern House report, a new electoral system was instituted for the General Fono. In the past, the 27-seat General Fono was made up of members chosen by each village's Taupulega (Council of Elders or Village Council) to serve three-year terms; only the Faipule (the representative of each village) and the Pulenuku (the mayor of each village) were elected. In January 1999, elections for a reformed General Fono, made up of six members from each village (18 altogether), were held on the basis of universal suffrage. Each village first elected four officials: Faipule, Pulenuku, Deputy Faipule and Deputy Pulenuku. Next, it elected two delegates nominated by designated groups in the village: women and the aumaga (the workforce of able-bodied men). The newly elected General Fono reflected a generational change in membership. Delegates were younger and had received more formal education than before. In addition, whereas in the past membership in the General Fono was rotational in nature, several of the new delegates had served previously.

7. In November 2001, it was decided that representation within the Fono would be changed based on the results of the 2001 census. This meant that for the first time in General Fono history, the three atolls would not be represented by the same number of delegates, but would have legislative seats proportional to the size of their population. Thus, replacing the former structure of 18 members (6 per atoll), the new General Fono has 21 members, giving Atafu 8 delegates, Fakaofo, 7 and Nukunonu 6. The triennial elections for Faipule and other General Fono delegates were held from 16 to 22 January 2002. Each of the three incumbent Faipule was re-elected. Among the elected delegates, 11 of them (more than half the composition of the General Fono) have not held office before. The position of Ulu-o-Tokelau (titular head of the Territory) rotates annually among the three Faipule. In February 2002, Nukunonu's Faipule, Pio Tuia, was installed as Ulu for 2002.

8. Regarding the development of further self-government for Tokelau, the Modern House of Tokelau report mentioned in paragraph 4 was transformed into a project and officially established by the General Fono in June 2000. The general principle that was endorsed by the Tokelauans was that the traditional Council of Elders on each atoll should serve as the foundation for any future governance structure. It also recognized, however, that the three atolls wished to be one nation and that certain functions, such as transport, would be best performed by a national administration. In November 2000, it was agreed that the Modern House project would cover the following four basic areas:

(a) Good governance, namely governance framework, constitutional development, management and operational structures and employer responsibility;

(b) Capacity development, namely the review of national and village administrations, the development of a management support training workshop, the identification of national, village and individual training needs and the development of appropriate training programmes;

(c) "Friends of Tokelau", namely the establishment of an organization to link outside individuals and organizations into Tokelau's development;

(d) National and village sustainable development plans.

9. According to the administering Power, Tokelau and New Zealand see self-determination as a dynamic and evolving process — a largely self-generated approach to decolonization where the administering Power and third parties recognize what the people of Tokelau construct. Thus, with the support of the New Zealand Agency for International Development and the United Nations Development Programme (UNDP), the Modern House initiative has continued to move gradually from the planning to the implementation stage. In 2001, the Territory focused on efforts to make traditional village leadership the basis for future government and on the establishment of the Tokelau Employment Commission (see para. 23).

10. In March 2002, the Council of Faipule and the Administrator held a strategy session in Samoa to map out the direction for Tokelau in the next three years. The Council adopted a vision statement entitled "The Quality of Life for People living in Tokelau" and identified three areas of national priority which have the potential for economic development (see para. 21). The Council also worked on defining the obligations and commitments of the future partnership with New Zealand and discussed constitutional development. In addition, a legislative programme was developed focusing on such key areas as criminal law, business law and shipping and safety standards for dangerous goods, such as gas, fuel and pesticides.[2]

11. In May 2002, a report on the implementation of the Modern House project was issued[3] to describe the progress made during 2000-2001. The report listed the major accomplishments in the four main areas of the project: under good governance, the report stressed the strengthening of village-based governance structures, the establishment of the Tokelau Employment Commission, the review of information technology needs and the establishment of three FM radio stations; under capacity development, it listed capacity-building plans for each village and increased skills in management, policy analysis and financial planning; under sustainable development, the report stressed the creation of the sustainable economic development plan and a commercial fisheries development plan, as well as increased small-business development skills; finally, under Friends of Tokelau, the report pointed to a new database, a published newsletter and a web site. While the report stated that much had been achieved in two years, it also indicated important lessons learned, namely that different approaches and paces were needed on each atoll, and most significantly, that, although outreach had been undertaken through meetings, publications and radio broadcasts, there was still a need for constant communication with the elders and the general community of the atolls to increase understanding of the project and its progress.

12. The Administrator and the Ulu of Tokelau described progress in self-government when they attended the Special Committee's Pacific Regional Seminar held in Fiji in May 2002 and they provided additional information when they addressed the Special Committee in New York in June 2002 (see sect. VI below). The June meeting also served to review progress on the Special Committee's programme of work for Tokelau, established in 2001 to define key activities and to assist each partner in assessing Tokelau's moves towards self-determination.

13. The status of Tokelau's institutions of Government and its constitutional and legal development were further discussed during the Special Committee's Mission to Tokelau and New Zealand in August 2002. In its report (A/AC.109/2002/31), the Mission summarized these discussions and made recommendations to further advance the self-determination process. During the Mission's stay in Wellington, the representatives of New Zealand noted that consultations with Tokelau on a relationship framework were expected to begin later in 2002 in order to make explicit the basis and parameters of the relationship between them. It was anticipated that these consultations would:

(a) Reconfirm Tokelau and New Zealand's ongoing commitment and responsibilities to one another;

(b) Identify the values and principles that are the foundation for New Zealand and Tokelau's relationship;

(c) Confirm the terms under which New Zealand will provide ongoing economic and administrative assistance to Tokelau;

(d) Identify the principles underpinning such issues as Tokelau's security and defence, Tokelau's participation in regional and international affairs, the role of the Tokelauan community in New Zealand, and the decolonization process;

(e) Institute more structured communication and liaison between Tokelau and New Zealand so that issues concerning both parties can be addressed more strategically and systematically in the future.

14. According to the administering Power, the draft "Principles of Partnership" document (see A/AC.109/2002/31, annex II) was further discussed with Tokelauan representatives during a meeting between the Administrator and the Council of Faipule held in Apia from 1 to 3 October and later during the Administrator's visit to the Territory from 20-29 November, when he received feedback on the document from the General Fono.

15. The first formal meetings on the relationship framework were held in Wellington from 9 to 13 December 2002, during which time the Council of Faipule met the Prime Minister of New Zealand and the Associate Minister for Foreign Affairs and Trade, and had a series of round-table meetings with Ministry officials. According to the administering Power, the representatives of Tokelau expressed appreciation to New Zealand for developing the idea of partnership. While the draft had been positive in generating much discussion on the atolls, it was evident, however, that there were still many aspects to be clarified. Tokelau drew attention to the fact that the document did not deal with the level of ongoing economic support to the Territory and other core practical questions that Tokelau had raised and that had an impact on everyday life and Tokelau's economic future. Tokelau also questioned the fact that the draft included a section on shared values and wondered what the consequences of that might be.

16. The New Zealand delegation maintained that the draft responded to Tokelau's expressed wish for greater certainty about the nature of the relationship; it reconfirmed mutual commitments and included broad assurances about New Zealand's continuing support. It articulated the principles underpinning the relationship and made expectations, responsibilities and accountabilities explicit. It provided an agreed structure within which the partners could pursue initiatives and

provided a context for the New Zealand Government to provide administrative support to Tokelau. According to New Zealand, the document was not intended to set the level of New Zealand official development assistance support but rather to agree on the principles to underline such support. Although not a legally binding document, it provided a strong indication of intention and it had powerful moral force. Furthermore, New Zealand believed that, as the document was a draft, further discussion of it was welcome. In addition, New Zealand had no intention of prejudging the direction that Tokelau would choose to develop in terms of self-determination. At the conclusion of these meetings on the relationship framework, it was agreed that New Zealand would respond in writing to Tokelau's questions and comments and that discussions would continue in 2003.

III. Economic conditions

A. Economic developments

17. Traditional and communal values and practices play a key role in contributing to a state of general well-being and equity in the Territory, as evidenced by the redistribution principles of traditional wealth (the inati system) and the importance attached to upholding the concept of the family and/or the extended family. The tradition of inati requires the deposition at a central location of food and produce, which are then apportioned by the distributors on the basis of "share groups". The principle provides for a secure distribution system that caters to the needs of every member of the community, including the elderly, widows, single parents and children. Major constraints on economic growth include natural disadvantages, such as the small size of Tokelau, isolation, the geographical spread of the atolls, limited and poor natural resources and proneness to natural disasters (such as cyclones). Tokelau's economic stability has so far been made possible by the high levels of assistance provided by the administering Power.

18. Tokelau's national budget for 2002-2003 was set by the General Fono at the annual budget session at NZ$ 6.8 million.[4] New Zealand continues to be the primary aid source through funding from the New Zealand Agency for International Development. In August 2002, representatives of Tokelau and New Zealand met in Nukunonu for discussions on the allocation for 2002-2003.[5] The meetings with the national leadership were complemented by separate meetings with the Councils of Elders on each atoll. It was agreed that the Agency's allocation of NZ$ 8.1 million (up from the 2001-2002 figure of NZ$ 7.5 million) was distributed as follows: NZ$ 4.75 million for budget support; NZ$ 2 million for project support to key activities, such as education, health and infrastructure; NZ$ 650,000 for the Modern House of Tokelau project and NZ$ 700,000 million for the Trust Fund. According to the administering Power, key issues still pending for NZAID in Tokelau are the completion of a review of support for self-government by March 2003; the formal establishment of the Tokelau Trust Fund; the review of the Modern House project before June 2003, beyond which time funding is not currently allocated; feedback on progress in the education and health sectors; the discussion of a five-year infrastructure programme; and the completion of the power supply and maintenance projects.

19. At their August 2002 meeting, Tokelau and the New Zealand Agency for International Development also reaffirmed their commitment to establishing a Trust Fund that is expected, in time, to assure a long-term independent income for Tokelau. Although the Fund has not yet formally been established, in 2000-2002 New Zealand and Tokelau set aside NZ$ 3.4 million and NZ$ 680,000 respectively for the Fund, the Tokelauan contribution coming from revenue from fishing licences in its exclusive economic zone. As mentioned above, in August 2002, the Agency allocated a further NZ$ 700,000 contribution to the Fund out of its 2002-2003 budget year. While the Tokelauan representatives requested that this latter allocation be used for priority infrastructure needs, the Agency noted that in order to achieve the objective of the Trust Fund, namely, that of assuring long-term independent income, there should be a commitment to set aside some funds on an annual basis rather than spend them on immediate needs. Tokelau acknowledged this point and reiterated its commitment to establish the Fund as soon as possible. In December 2002, the members of the Council of Faipule stated during their visit to Wellington that they planned to have the General Fono pass the necessary legislation for the Fund shortly.

20. While the bulk of development assistance to Tokelau has been bilateral support from New Zealand, the United Nations Development Programme (UNDP) also contributes from its office in Apia, Samoa, to the strengthening of the Territory's social and economic capabilities as it moves towards greater self-government and self-reliance. Some of the milestones in UNDP's relationship with Tokelau have been the first telephone connection in the Territory in 1997, building seawalls after the cyclone, and its early and ongoing support to the Modern House Project. Within the Tokelau/UNDP country cooperation framework for 1998-2002,[6] UNDP provided funding of US$ 214,000 in direct support to the Modern House project which focused on macro-level financial management and strategic economic planning. Other projects included the US$ 148,000 job creation and sustainable livelihoods project, implemented by the International Labour Organization, and the US$ 150,000 household income and expenditure survey, which provided data on the needs of vulnerable sectors (youth, women, children, the elderly and the disabled). In August 2002, when the UNDP Resident Representative accompanied the United Nations Visiting Mission to Tokelau, she introduced the new Tokelau/UNDP Country Programme for 2003-2007, which is expected to invest over US$ 0.5 million per year over the next five years. According to the Representative, it will focus again on support for the Modern House project, with grant assistance in two areas: governance and sustainable development. Under governance, support will continue for capacity-building and training. Under sustainable development, UNDP will support development projects, such as: micro-enterprise projects for women and skills training for youth; a comprehensive assessment of fishing resources to strengthen the fisheries industry; and environmental management projects, including reducing reliance on fossil fuels by building solar energy units, and improving fuel storage and protection against oil spills. While Tokelau does not qualify for funding under the Global Environmental Facility (GEF) owing to its non-self-governing status, UNDP is exploring ways in which Tokelau could benefit from regional GEF projects. The Representative also noted UNDP's willingness to assist the Territory should a study to review the options for its future self-determination be requested by Tokelau.

21. Tokelau also aims to complete a Sustainable Strategic Development Plan for 2002-2004 and beyond. This would be the governance project's economic dimension and would aim to expand economic and social opportunities, thereby increasing the village and national revenue base and, thus, Tokelau's self-reliance. At the strategic meeting, held in Samoa in March 2002, the Council of Faipule identified three areas of national priority which have potential for economic development, namely, commercial fisheries, successful businesses and critical infrastructure. The Council will review progress in these three areas at the end of each year.

22. Regarding commercial fisheries, under the 1987 Treaty on Fisheries between the Governments of certain Pacific Islands and the Government of the United States (also known as the United States Tuna Treaty), Tokelau earns fees paid by United States vessels fishing in its exclusive economic zone. Thus, according to the administering Power, Tokelau earned US$ 506,308 in fishing fees during 2001-2002. In addition, Tokelau is seeking to conduct an audit of its maritime resources and to develop its own commercial fishing capacities. As part of this process, the Territory asked for assistance from the Pacific Islands Forum Fisheries Agency and in 2002 the Territory acceded to associate membership in the Agency.

B. Public services

23. Public services in the Territory used to be administered by the Tokelau Public Service, under the management of the New Zealand State Services Commissioner. While this was seen as the administering Power's best endeavour in the 1970s to provide services in education, health, energy, transport and communications, by the 1990s both the New Zealand and Tokelauan authorities agreed that the Tokelau Public Service produced a management structure that emphasized national arrangements over village ones, weakening, in the process, the institution of the village. In July 1998, at the request of the territorial Government, a New Zealand-based Tokelauan was appointed Tokelau Public Service Commissioner to ensure the effective running of the existing Service and to assist Tokelau in developing and implementing a new independent public service that would fit within the Modern House project. The Government of New Zealand passed legislation to enable responsibility for the Service to be passed to Tokelau. In February 2001, the General Fono established a three-member Tokelau Employment Commission (one member designated by each village) as the successor body, effective 1 July 2001. The new Commission is the employer of former employees of the Tokelau Public Service and those deemed to be national-level employees after 30 June 2001.

C. Transport and communications

24. Tokelau has no airstrips and its sole transportation option is that provided by a single vessel, the *MV Tokelau*, a mail ship with limited cargo and passenger capacity that provides service every two weeks between Tokelau and Apia, as well as inter-atoll services. The United Nations Mission that visited the Territory in August 2002 concluded that the lack of transportation options was one of the greatest drawbacks to economic development in the Territory and recommended that serious consideration be given to the establishment of a dedicated inter-atoll ferry and an airstrip on one of the atolls.

25. The first use of the General Fono's legislative power was the establishment of the Telecommunications Tokelau Corporation under the Tokelau Telecommunications Rules of 1996. The NZ$ 4 million international telecommunication service was inaugurated in April 1997 and is contributing to the Territory's progress towards self-determination by facilitating Tokelau's contact with the outside world. Previously, Tokelau had to rely on short wave links to Samoa. Of the total cost, New Zealand contributed NZ$ 1.5 million and Tokelau NZ$ 1.6 million. UNDP and the International Telecommunication Union provided the balance. In February 2002, FM radio stations were inaugurated on each of the three atolls with funding from the New Zealand Agency for International Development. Currently, they operate independently, but there are plans to link them at least once a week for a national programme. The new radio stations are seen as an excellent means of maintaining the Territory's cultural heritage as well as a way of facilitating communication on community matters. In addition, they provide a way to increase transparency in political, social and economic developments as they broadcast meetings of the Mayor and Council of Elders on each atoll. Tokelau also has a web site, www.dot.tk, which became operational on 15 January 2002 and offers both free and paid dot.tk domain names. The web site is the result of a commercial licensing agreement between the Telecommunications Tokelau Corporation and a private company which set up Taloha Inc. It is seen as having the potential to provide revenue to the Territory without any capital outlay by the Telecommunications Tokelau Corporation. Meanwhile, efforts continue to enhance e-mail facilities and teleconferencing connections using Modern House funds.[7]

D. Power supply

26. The 2001-2002 New Zealand Agency for International Development forward aid programme allocated NZ$ 400,000 to continue the installation of diesel generation systems on all three atolls. In August 2002, it was reported that 24-hour diesel power was available on two of the three atolls and that installations on the third atoll would be completed before the end of the year. It was agreed that a further allocation of NZ$ 300,000 would be made and that the current tariffs for power consumption on each atoll would be retained and reviewed after one year, once operational and maintenance costs were known. Following discussions between the Agency and UNDP, there is also a project for a solar power (photovoltaic) component to the new system, which UNDP and the United Nations Educational, Scientific and Cultural Organization have agreed to manage with partial funding from France.

IV. Social conditions

A. Education

27. Under Tokelau's compulsory education system, primary and secondary education are available to everyone. As a member of the University of the South Pacific, Tokelau also has access to the USPNet educational telecommunications system through a satellite established in Atafu. However, the low standard of the education system remains a problem, with many families migrating to New Zealand or Samoa in order for their children to receive higher-quality education. Under the

New Zealand Agency for International Development programme for 2002-2003 NZ$ 178,000 was allocated for scholarships and NZ$ 230,000 for new education initiatives. Meanwhile, a 2002 Agency study on Tokelau's education system has recommended immediate technical support for Tokelau's Education Department and the development of a comprehensive strategy to shape the future direction of schooling in the Territory. Tokelau and New Zealand have agreed to act urgently on these recommendations.

B. Health

28. Average life expectancy is 69 years.[8] There are three basic hospitals, one on each atoll. However, the shortage of qualified medical practitioners and general health-care workers, as well as the maintenance of installations and equipment, remain a serious problem. In addition, the need to transfer the more serious cases to Samoa or New Zealand for treatment represents a large expense in the national budget. As part of New Zealand Agency for International Development project support, a New Zealand-based doctor provides support to the Tokelau Health Department and coordinates the provision of locum doctors, medical referrals to New Zealand, training and equipment purchases. The 2002-2003 health allocation from the Agency was NZ$ 390,000, but an August 2002 review of the health project confirmed the need for action by both parties to address numerous concerns over the provision of medical services on the atolls. The World Health Organization (WHO), of which Tokelau is an associate member, reports that changes in lifestyle and an increase in non-communicable diseases in Tokelau have resulted in the need for health education programmes focused mainly on the promotion of non-smoking, increasing physical activity and controlling the use of alcohol among young people.[9] Further data regarding WHO's Tokelau projects is to be found in the Report of the Mission to Tokelau (A/AC.109/2002/31, para. 32).

C. Status of women

29. Women are well integrated in Tokelauan society. They participate in the village decision-making process, through Fatupaepae (women's committees), the village Councils of Elders and their membership in the General Fono. The new electoral system for the General Fono has increased gender equity. Women elected to the General Fono no longer function as the representative of the women's committee, but are responsible for representing all the people of the village. A number of women who addressed the United Nations Visiting Mission in August 2002 mentioned that there had been considerable social progress in recent years, namely, governance projects to assist the elders in making decisions, FM radio to disseminate these decisions, and greater support for women's handicraft projects and youth training centres. Nonetheless, they also called for greater support for job creation in order to reduce Tokelau's future dependency on outside aid (see A/AC.109/2002/31, para 23). The 2002-2003 New Zealand Agency for International Development allocation for gender and development remained at NZ$ 30,000, part of which will be used to cover the cost of a programmed national women's meeting.

V. Consideration of the question by the United Nations

A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

30. The Ulu-o-Tokelau and the New Zealand Administrator both attended the Special Committee's Pacific Regional Seminar held in Fiji from 14 to 16 May 2002 (see A/57/23 (Part I), annex). The Special Committee also considered the question of Tokelau at its 7th meeting, on 17 June 2002 (see A/AC.109/2002/SR.7). Statements were made at that meeting by the Administrator of Tokelau, the Ulu-o-Tokelau and the representatives of the Syrian Arab Republic, Côte d'Ivoire, Grenada, Fiji and Cuba. The representative of Papua New Guinea introduced draft resolution A/AC.109/2002/L.14. The Committee adopted the draft resolution without a vote (A/AC.109/2002/24).

31. At its 11th meeting, on 26 September 2002, the Special Committee resumed its consideration of the question of Tokelau, and, in particular, the findings of the United Nations Mission to Tokelau, which took place from 14 to 24 August 2002. The Chairman of the Mission introduced the draft report of the Mission, distributed as a conference room paper (A/AC.109/2002/CRP.2) and issued subsequently as A/AC.109/2002/31. Statements were made by the representatives of the Syrian Arab Republic, Antigua and Barbuda, Cuba, Côte d'Ivoire, Fiji, the United Republic of Tanzania, Bolivia and the Congo. The representative of New Zealand also made a statement. At the same meeting, the Committee approved the report of the Mission and authorized its Rapporteur to submit the report directly to the General Assembly, as well as to introduce before the Fourth Committee appropriate amendments to the draft resolution on the question of Tokelau contained in chapter XIII of its report to the Assembly (A/57/23, part III).

B. Special Political and Decolonization Committee (Fourth Committee)

32. At its 2nd meeting on 30 September 2002 the Special Political and Decolonization Committee (Fourth Committee) of the General Assembly heard statements by the Rapporteur and the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, in which they referred to the year's developments regarding Tokelau (A/C.4/57/SR.2). At the same meeting, the representatives of Cuba, Brazil (on behalf of MERCOSUR) and the Islamic Republic of Iran welcomed positive developments in Tokelau.

33. At its 3rd meeting (see A/C.4/57/SR.3), on 1 October 2002, the Special Political and Decolonization Committee (Fourth Committee) of the General Assembly heard a statement by the Permanent Representative of New Zealand to the United Nations (see paras. 35 to 39 below). At the same meeting, the representatives of Bolivia, India, Venezuela and Papua New Guinea made statements in which, inter alia, they referred to the recent visiting mission to Tokelau and commended the New Zealand Government for its exemplary cooperation with the Special Committee. Similar views were expressed by the representatives of Cambodia, Tanzania and

Egypt at the 5th meeting (A/C.4/57/SR.5), and by the representatives of Ethiopia, Pakistan, China, Ghana and Haiti at the 6th meeting (A/C.4/57/SR.6). Also at the 6th meeting, the Chairman of the Fourth Committee stated that consultations were still continuing on the draft resolution on Tokelau, which would be considered at a later date. At its 11th meeting, on 15 October 2002, the Committee adopted a revised draft resolution, entitled "Question of Tokelau" (A/C.4/57/L.6), without a vote.

C. Action by the General Assembly

34. At the 73rd meeting of the fifty-seventh session of the General Assembly, on 11 December 2002, the Acting Chairman of the Special Committee reviewed the Special Committee's work during 2002 and introduced the report of the Special Committee contained in document A/57/23 (see A/57/PV.73). With regard to Tokelau, he stated that the Committee's ongoing working relationship with New Zealand exemplified what could be achieved when there was constructive dialogue with an administering Power. The report of the Mission that had visited Tokelau in August 2002 showed that nothing was as useful to the Committee's work as first-hand experience of the conditions in a Territory. Furthermore, the very presence of the Mission in Tokelau and New Zealand had provoked a stimulating debate on decolonization. Tokelau and New Zealand had a positive relationship and were advancing steadily towards greater self-government for the Territory, while striving for good governance and sustainable economic growth. Meetings held in Wellington would be crucial to clarify pending issues, such as the terms under which New Zealand would provide economic and administrative assistance to the Territory, security and defence issues, participation in regional and international affairs and the decolonization process. In that regard, the Mission report stated that it would be important for the Tokelauans to be better informed about the options for self-determination and their implications and consequences, and it recommended that Tokelau and New Zealand consider developing an education programme and that a case study on the implications of the options be conducted under United Nations auspices. On 11 December 2002, the Assembly adopted its resolution 57/137 on the question of Tokelau without a vote. It also adopted resolution 57/140 on the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, paragraph 7 of which refers to Tokelau.

VI. Future status of the Territory

A. Position of the administering Power

35. Speaking before the Special Political and Decolonization Committee (Fourth Committee) at its 3rd meeting, on 1 October 2002, the representative of New Zealand noted that the past year had been a busy one for Tokelau: the Territory had become a full member of the Pacific Islands Forum Fisheries Agency, an important development for which New Zealand had provided full support; in November 2001, the Tokelau Employment Commission had become operational; and good progress had been made in developing the programme of work for Tokelau in accordance with General Assembly resolution 55/147. In addition, the Special Committee's

2002 Regional Seminar held in Fiji had also provided a useful opportunity for broader discussion of issues relating to self-determination for Tokelau.

36. The Ulu-o-Tokelau and the Administrator of Tokelau had attended the Fiji Seminar, at which the Administrator had noted his Government's intention to develop a relationship framework with Tokelau, reconfirming the parties' commitment to one another, the principles underpinning the relationship and clarifying expectations through a collaborative process during which Tokelau would have access to independent advice. A first draft of the framework document, entitled "Joint statement of the principles of partnership between New Zealand and Tokelau", was being presented to the Faipule in Apia that week and would be the subject of New Zealand/Tokelau discussions in November 2002. During the past year his Government had continued to support the Modern House of Tokelau project, a partnership aimed at promoting good governance, capacity-building and sustainable development on the path towards self-determination.

37. The New Zealand Government had welcomed the visit of the Special Committee on decolonization to Tokelau and New Zealand in August 2002. The report of that Mission (A/AC.109/2002/CRP.2) described the challenges facing Tokelau, reflected the views of its people and clarified to the latter that self-determination involved a range of options that would not necessarily entail severing links with New Zealand. The Mission had recommended that a study be conducted of the three decolonization options and that Tokelau and New Zealand consider developing an education programme to inform the population about the self-determination process. New Zealand welcomed those recommendations. The representative recalled that in 1986 his Government had outlined the three decolonization options, which had been translated into Tokelauan in a paper explaining the basic principles underlying each option; a more detailed explanation would be required before an act of self-determination and it could be provided once the Modern House of Tokelau project was fully developed and the new relationship framework between Tokelau and New Zealand was in place. Those two measures would establish, respectively, internal decision-making structures within Tokelau and clearer liaison between New Zealand and Tokelau. The former would demonstrate the level of autonomy at which the Tokelauan administration would be able to operate effectively and the latter would provide for a more structured partnership for addressing constitutional arrangements and decolonization.

38. The representative of New Zealand added that his Government, maintaining its partnership-based approach, expected to work closely with Tokelau to elaborate the details of the three decolonization options, once the Modern House structure was firmly established and the relationship framework document was concluded. Although New Zealand and Tokelau were necessarily the primary partners in determining the future nature of their relationship, they recognized the value that independent advisors would bring to the decolonization process. While New Zealand welcomed the Mission's recommendation that a study be conducted and also welcomed UNDP's offer of assistance, his Government believed that the study would be most effective if it built upon the initial discussions between New Zealand and Tokelau about the nature of the decolonization options and was integrated into the existing bilateral process. This would ensure that its conclusions were based on ideas that were relevant and meaningful to both Tokelau and New Zealand and made a constructive contribution to the process.

39. The New Zealand Government was, however, of the opinion that it was too early in the decolonization process to implement the Mission's second recommendation on developing educational material on the decolonization options. It nevertheless remained committed to educating the people of Tokelau about their options, as was explicitly recognized in the draft relationship framework document. New Zealand wished to work with the Committee and with Tokelau in accordance with the Special Committee programme of work to determine the appropriate time and method for providing detailed educational material to Tokelau about the decolonization options.

B. Position of the people of Tokelau

40. At the 7th meeting of the Special Committee, on 17 June 2002, the Ulu-o-Tokelau, Mr. Pio Tuia, made a statement (see A/AC.109/2002/SR.7). He said that he wished to focus on efforts under way in Tokelau aimed at the achievement of self-government; the work to develop a form of self-government and a plan of action for the next three years; and the support required to sustain those developments. He had provided the Special Committee with a report about recent nation-building activities under the Modern House of Tokelau project, as a way of expressing Tokelau's gratitude to the United Nations, and in particular to UNDP, for the assistance provided.

41. Within the context of preparations for the transition to self-government, Tokelau was expanding its system of governance. The Territory had the ingredients for a national Government, but the solid traditional foundation also needed to be strengthened. Historically, the three atolls, which were effectively three villages, had always existed autonomously. However, they had a common history, language and culture and their inhabitants had strong family ties. Tokelau was now making decisions about the powers and responsibilities that should be accorded to village institutions. At the same time, it recognized the need for a national institution, like the General Fono, which would deal with matters affecting the entire Territory, including external relations, and wield the collective powers of the three villages.

42. The Ulu mentioned that, in the event of uncertainties, the General Fono, as a national body, would turn to the Councils of Elders, traditional bodies that provided guidance at critical moments in history and that had assured harmony, law and order in the Territory. The fundamental concept of the Modern House of Tokelau was to reaffirm the three Councils and the traditional system of government, while enhancing them with modern advice regarding the inhabitants' modern needs. He welcomed the decision of the administering Power and UNDP to support the Modern House project for at least another year. Progress in the four main areas: good governance, capacity development, the Friends of Tokelau network and sustainable development would continue. Nevertheless, for the next three years, priority would be given to economic development, as set out in a draft plan to be discussed by the three Councils of Elders and the General Fono. Plans for strengthening the village management systems were also being considered.

43. The Ulu noted that no one should have any doubts about Tokelau's determination to build a nation — a small self-governing nation in accordance with United Nations principles. However, much help was needed and Tokelau sought guaranteed assistance from New Zealand and from the United Nations. The Territory

needed resources and training in health and education. It also needed to develop revenue-earning activities, so that it could cease to be totally dependent on aid from the administering Power. This would give Tokelau a sense of ownership and a higher level of responsibility. In that connection, Tokelau looked forward to redefining its relationship with New Zealand and determining the level and nature of guarantees in this relationship.

44. The Ulu stated that Tokelau could grow economically by developing its own fisheries industry. It needed more knowledge and skills to ensure a better return from its exclusive economic zone, other than the income earned from its association with the Forum Fisheries Agency and the issuance of fishing licences. The commercialization of fisheries was a priority in the three-year plan. In this connection, Tokelau required an injection of capital and skills training for its population. The 2001 census indicated that 50 per cent of the population of the Territory was under the age of 19. It was essential that Tokelau's young people should receive education and training in the context of the ongoing nation-building exercise.

45. Finally, the Ulu stated that, in the process of capacity-building, Tokelau was finding out what it was capable of doing for its own development and what its natural limitations were. It was planning to continue its dialogue with the administering Power and to plan ahead. He was pleased to inform the Committee that the Territory and the administering Power would be carrying out an in-depth analysis of their relationship so as to define it more precisely. Moreover, the administering Power was giving serious consideration to a request for the opening of an office in Wellington to facilitate dialogue between the partners and more effective support during the nation-building phase.

46. In August 2002, during the visit of the Special Committee's Mission to Tokelau, the Ulu made a further statement on Tokelau's progress towards self-determination. The full text of that statement was reproduced in document A/AC.109/2002/31, annex I.

Notes

[1] Updated information contained in the present paper has been derived from information transmitted to the Secretary-General by the Government of New Zealand on 11 March 2002, 18 September 2002, 3 December 2002 and 24 February 2003, from organizations of the United Nations system and from published sources.

[2] Communiqué, strategy meeting, 11-16 March 2002, Apia.

[3] Modern House of Tokelau Project, Report to the Joint Committee and Sponsors, May 2002.

[4] As at 7 April 2003, NZ$ 1.00 was equivalent to US$ 0.53.

[5] Tokelau-New Zealand Agency for International Development, Annual Programme Discussions, 30-31 August 2002, Agreed Record.

[6] UNDP programme of assistance to Samoa, Cook Islands, Niue and Tokelau, March 2001.

[7] Press release, "History in the making" (February 2002), and information transmitted by the Administrator of Tokelau.

[8] UNDP, Pacific Human Development Report, 1999.

[9] Information from WHO, 19 March 2001.